

Judge Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID R. MENDOZA ,

Defendant.

NO. CR06-0466TSZ

MOTION FOR  
ENTRY OF FIRST FINAL ORDER OF  
FORFEITURE

NOTE ON MOTION CALENDAR:  
April 8, 2011

Pursuant to Rule 32.2 Federal Rules of Criminal Procedure, the United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington, and Richard E. Cohen, Assistant United States Attorney for said District, respectfully moves this Court for the Entry of a Final Order of Forfeiture forfeiting the following property to the United States of America:

**Real Property**

Real property commonly known as 1135 Tacoma Avenue South, Tacoma, Washington, Pierce County Parcel #201111-010-0, together with its Buildings, Improvements, Appurtenances, Fixtures, Attachments, and Easements, more particularly described as:

Lot 17, Block 1111, Map of New Tacoma, W.t. According to the Plat Filed for Record February 3, 1875 in the Office of the Pierce County Auditor, in Pierce County Washington.<sup>1</sup>

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<sup>1</sup>Three other real properties were included in the preliminary order of forfeiture, however those properties were forfeited in the related civil forfeiture action *U.S. v. 2526 155th Place SE, Bellevue, et al.* Case No. C07-0359TSZ.

1 This motion is based upon the guilty plea of defendant David Mendoza, the plea  
2 agreement and the other files and records herein, as well as the information summarized  
3 below.

4 On November 19, 2009, this Court entered a Preliminary Order of Forfeiture in the  
5 above-captioned case forfeiting defendant David Mendoza's interest in the above  
6 described real property.

7 The assets were subject to forfeiture pursuant to Title 21, United States Code,  
8 Section 853, based on David Mendoza's guilty plea to Conspiracy to Import more than  
9 1,000 kilograms of Marijuana, as charged in Count 1 of the Superseding Indictment, in  
10 violation of Title 21, United States Code, Sections 952(a), 960(a)(1) and (b)(1)(G) and  
11 963, and his agreement to forfeit the above described real property.

12 Pursuant to Title 21, United States Code, Section 853(n), the United States  
13 published notice on an official government forfeiture website, currently  
14 [www.forfeiture.gov](http://www.forfeiture.gov) for thirty (30) days beginning November 24, 2009. In the publication  
15 the United States published notice of the Preliminary Order of Forfeiture and the intent of  
16 the United States to dispose of the property in accordance with law. This notice further  
17 stated that any person other than the defendant having or claiming an interest in the  
18 property was required to file a petition with the Court within sixty (60) days of the first  
19 date of publication, setting forth the nature of the petitioner's right, title, and interest in  
20 the property.

21 All persons and entities believed to have an interest in the real property subject to  
22 forfeiture were given proper notice of the intended forfeiture.

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1 No petitioners or claimants have come forth to assert an interest in the forfeited  
2 property, and the time for doing so has expired.

3 It is therefore respectfully requested that an order be entered finally condemning  
4 and forfeiting the above listed real property to the United States of America.

5 A proposed Final Order of Forfeiture is submitted herewith.

6 DATED this 21st day of March, 2011.

7 Respectfully submitted,

8 JENNY A. DURKAN  
9 United States Attorney

10 s/Richard E. Cohen  
11 RICHARD E. COHEN  
12 Assistant United States Attorney  
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15 CERTIFICATE OF SERVICE

16 I hereby certify that on March 22, 2011, I electronically filed the foregoing with  
17 the Clerk of Court using the CM/ECF system which will send notification of such filing  
18 to the attorneys of record for the defendant.

19  
20 s/Jennifer Biretz  
21 JENNIFER BIRETZ  
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